

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI
AT LIBERTYMICHAEL P. AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

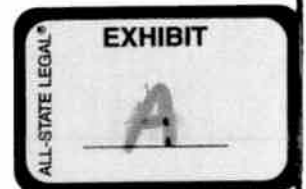
Case No. CV100-4263 CC

Division 2

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiffs hereby dismiss, without prejudice, each of the claims and causes of action that they are asserting against the defendant trusts denominated as Defendant CS First Boston Mortgage Securities Corp. Preferred Mortgage Asset-Backed Certificates, Series 1996-2 (Preferred Mortgage Trust 1996-2) and Defendant Credit Suisse First Boston Mortgage Securities Corp. Preferred Credit Asset-Backed Certificates, Series 1997-1 (Preferred Credit Trust 1997-1) based on (1) said Defendants' affidavits and/or representations through counsel to the effect that they do not hold and have never owned or held or acted as trustee for any of the named Plaintiffs' second mortgage loans; (2) said Defendants' representations through counsel to the effect that they have filed or intend to file one or more motions to dismiss the petition as against them for lack of standing; and (3) the prior decisions of this Court sustaining such motions to dismiss pre-certification (i.e., before the issue of whether to certify the case as a class action has been decided). No other claims against any other party are dismissed.

Dated: October 4, 2002



Respectfully submitted,

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& VAUGHAN, P.C.

By 

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ATTORNEYS FOR PLAINTIFFS

at approx 2:30 p.m.
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the above and foregoing document was sent via facsimile this 4th day of October, 2002 to:

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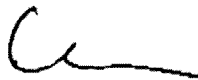
Attorneys for Defendants Empire Funding Home Loan Owner Trust 1998-1, U.S. Bank National Association, U.S. Bank, National Association ND, and Wilmington Trust Company

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TELECOPY COVER SHEET

FAX No. (816) 421-4747

DATE: October 4, 2002 **TIME:** _____

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TO: Mark Olthoff, SHUGHART THOMPSON & KILROY
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RE: *Gilmor v. Preferred Credit Corp., et al.*

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